

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

Your Committee on Public Health, to which was referred Senate Bill 428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Replace the effective dates in SECTIONS 1 through 6 with
- 2 "[EFFECTIVE JULY 1, 2003 (RETROACTIVE)]:".
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 5-15-6-11 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. This chapter does
- 7 not apply to public records of a ~~county~~ hospital ~~described in~~
- 8 **established and operated under IC 16-22 and or IC 16-23.**
- 9 SECTION 2. IC 12-15-15-1.6 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2003 (RETROACTIVE)]: **Sec. 1.6. (a) This section applies**
- 12 **only if the United States Centers for Medicare and Medicaid**
- 13 **Services determines not to approve payments under section 1.5(b)**
- 14 **STEP FIVE (A), (B), or (C) of this chapter.**

1 **(b) If the United States Centers for Medicare and Medicaid**
2 **Services determines not to approve payments under section 1.5(b)**
3 **STEP FIVE (A) of this chapter, the office may make payments**
4 **alternative to the payments under section 1.5(b) STEP FIVE (A)**
5 **of this chapter if:**

6 **(1) the payments for a state fiscal year are made only to the**
7 **hospitals that would have been eligible for payments for that**
8 **state fiscal year under section 1.5(b) STEP FIVE (A) of this**
9 **chapter; and**

10 **(2) the payment for a state fiscal year to each hospital is an**
11 **amount that is as equal as possible to the amount each**
12 **hospital would have received under section 1.5(b) STEP FIVE**
13 **(A) of this chapter for that state fiscal year.**

14 **(c) If the United States Centers for Medicare and Medicaid**
15 **Services determines not to approve payments under section 1.5(b)**
16 **STEP FIVE (B) of this chapter, the office may make payments**
17 **alternative to the payments under section 1.5(b) STEP FIVE (B)**
18 **of this chapter if:**

19 **(1) the payments for a state fiscal year are made only to the**
20 **hospitals that would have been eligible for payments for that**
21 **state fiscal year under section 1.5(b) STEP FIVE (B) of this**
22 **chapter; and**

23 **(2) the payment for a state fiscal year to each hospital is an**
24 **amount that is as equal as possible to the amount each**
25 **hospital would have received under section 1.5(b) STEP FIVE**
26 **(B) of this chapter for that state fiscal year.**

27 **(d) If the United States Centers for Medicare and Medicaid**
28 **Services determines not to approve payments under section 1.5(b)**
29 **STEP FIVE (C) of this chapter, the office may make payments**
30 **alternative to the payments under section 1.5(b) STEP FIVE (C)**
31 **of this chapter if:**

32 **(1) the payments for a state fiscal year are made only to the**
33 **hospitals that would have been eligible for payments for that**
34 **state fiscal year under section 1.5(b) STEP FIVE (C) of this**
35 **chapter; and**

1 (2) the payment for a state fiscal year to each hospital is an
2 amount that is as equal as possible to the amount each
3 hospital would have received under section 1.5(b) STEP FIVE
4 (C) of this chapter for that state fiscal year.

5 (e) If the United States Centers for Medicare and Medicaid
6 Services determines not to approve payments under subsection
7 (b), (c), or (d), the office shall use the funds that would have
8 served as the non-federal share of the payments for a state fiscal
9 year to serve as the non-federal share of a payment pool that shall
10 be distributed to hospitals receiving payments under section 9.5 of
11 this chapter for a state fiscal year. The payment pool shall be
12 distributed on a pro rata basis based upon the amount of payment
13 each hospital received under section 9.5 of this chapter for the
14 state fiscal year.

15 (f) If the United States Centers for Medicare and Medicaid
16 Services determines not to approve payments under subsection
17 (e), the office shall use the funds that would have served as the
18 non-federal share of such payments for a state fiscal year to serve
19 as the non-federal share of a payment program for hospitals to be
20 established by the office. The program shall distribute payments
21 for a state fiscal year based upon a methodology determined by
22 the office to be equitable under the circumstances."

23 Page 10, after line 28, begin a new paragrah and insert:

- 1 **"SECTION 9. An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 428 as printed January 23, 2004.)

and when so amended that said bill do pass.

Representative Brown C